

# Notice of Allowability

Application No.

09/345,659

Examiner

Michael N. Opsasnick

Applicant(s)

MICHENER, JAMES A.

Art Unit

2626

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/2/07.
2. ☒ The allowed claim(s) is/are 1-3, 5-14 and 32-41.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Michael N Opsasnick

*Michael N Opsasnick*  
Primary Examiner, AU2626

## **DETAILED ACTION**

### ***35 USC § 101***

1. As per the most recent interpretation of the Interim Guidelines regarding 35 U.S.C. 101, claims 1-3,5-14,32 are statutory under 35 U.S.C. 101 because the claim limitations produce a useful, concrete, or tangible result – controlling the output of an audio signal.

### ***Allowable Subject Matter***

2. Claims 1-3,5-14, 32-41 are allowable over the prior art of record.
3. The following is an examiner's statement of reasons for allowance:

As per the independent claims, the claim recitations pertaining to sensing a plurality of audio signals with encoded formats including at least one AC-3 audio signal, and redirecting each of the sensed signals so the plurality of signals to a corresponding encoder for outputting digital transport packets, in addition to multiplexing the output with different kinds of data in an uplink processor, is not explicitly taught by the prior art of record.

With respect to the prior art of record, Hiroi (6549241) teaches an uplink transmitting AC-3 audio with video transmissions in a satellite broadcast system (col. 4 lines 35-50; col. 5 lines 60-65), however, Hiroi (6549241) does not explicitly teach sensing a plurality of audio signal formats and redirecting the signals to a plurality of encoders. Rao et al (6253293) teaches a processor that receives multiple audio input formats (col. 2 lines 14-21, col. 3 lines 17-25) and

Art Unit: 26264


outputs the differing audio signals to the output lines (col. 4 lines 50-53) to the appropriate codecs (col. 4 lines 55-58). Gaalaas et al (6226758) teaches using an encoder with AES3/SIP DIF encoder/decoder (Fig. 2). However, none of the prior art of record, alone or in combination, explicitly teaches the recited limitations of the independent claims as noted above. Furthermore, it would not have been obvious to one of ordinary skill in the art to modify the teachings of the prior art of record to obtain the recited limitations of the independent claims as noted above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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primary examiner  
AU2626  
05/31/07